



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,320	07/06/2001	Roy M. Soetikno	STAN219	5631

24353 7590 04/09/2003

BOZICEVIC, FIELD & FRANCIS LLP
200 MIDDLEFIELD RD
SUITE 200
MENLO PARK, CA 94025

EXAMINER

LANDREM, KAMRIN R

ART UNIT	PAPER NUMBER
----------	--------------

3738

DATE MAILED: 04/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/900,320

Applicant(s)

SOETIKNO ET AL.

Examiner

Kamrin R. Landrem

Art Unit

3738

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 7,9,16 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8,10-15 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of species B in Paper No. 6 is acknowledged.

Claims 7,9,16,18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.

Election was made **without** traverse in Paper No. 6.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8, 10-15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giantureo et al (USPN 6,187,116) in view of Hedges et al (USPN 5,035,706).

Giantureo et al discloses a luminal stent comprising a tightening drawstring through one end of the stent, wherein the drawstring is slack during normal use and is tightened for compressing and removing the stent from the body lumen. Giantureo discloses all of the claimed elements except for the particulars pertaining to the removal device. Hedges et al teaches a stent removal device comprising a flexible elongate member with a grasping member manual means for actuating the grasping member that allows the artery to remain expanded and enables the stent to be readily withdrawn from its location in the lumen. Therefore in view of the teachings it would have been obvious to one of ordinary skill in the art to have combined the tightening

drawstring stent of Giantureo with the removal device of Hedges in order to compress the stent, grasp the stent, and withdrawal it from the body lumen. The combination of the method for removal of Giantureo and Hedges would result in the claimed method.

Claim 1, with regards to adding a tightening drawstring through termini of stent, see col. 2, lines 41-53 of Giantureo. With regards to grasping drawstrings, tightening drawstring to decrease the circumference of the stent and withdrawing the stent into a protective sheath in order to remove stent, see col. 2, lines 53-65 of Giantureo. For specifics of the removal device see disclosure of Hedges.

Claim 2, with regards to stent placed in gastrointestinal lumen, it is well known in the art to use stents in the gastrointestinal lumen, for example see Dua et al reference which also features a drawstring for removal.

Claim 3, with regards to endoscope (16), see col. 2, lines 6-35 of Hedges

Claim 4, with regards to endoscope (16) and over tube (14), see col. 2, lines 7-35 and Figs of Hedges. With regards to stent being withdrawn into over tube, see col. 2, lines 53-66 of Giantureo.

Claim 5, with regards to metallic, self-expanding stent, see abstract of Giantureo.

Claim 6, with regards to nylon filament, nylon is well known in the art as a biocompatible material.

Claim 8, with regards to threading of wire, see all Figs of Giantureo

Claim 10, with regards to luminal stent (30) comprising a tightening drawstring (40) through termini (35) of the stent (30), see col. 4, lines 59- col. 5, line 18 and Fig 7A of Giantureo. With regards to stent removal device (10) comprising a flexible elongate member (15)

with proximal and distal ends, a grasping member (18) and a manual means (12) for actuating the grasping member, see disclosure and Fig. 1 of Hedges.

Claim 11, with regards to protective sheath (14) see Figs 1-7 of Hedges.

Claim 12, with regards to endoscope, see col. 2, lines 6-35 of Hodges.

Claim 13, with regards to metallic, self-expanding stent, see abstract of Hodges.

Claim 14, see claim 2, supra.

Claim 15, see claim 6, supra.

Claim 17, with regards to threading of wire, see all Figs of Giantureo.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are relevant to the applicant's invention, Keranen (USPN 5,662,702) and Uflacker (USPN 5,776,186).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kamrin R. Landrem whose telephone number is 703-305-8061. The examiner can normally be reached on 8:00-5:00, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on 703-308-2111. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-3905 for regular communications and 703-308-3905 for After Final communications.

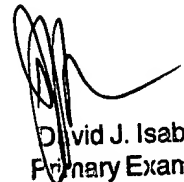
Application/Control Number: 09/900,320
Art Unit: 3738

Page 5

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

Kamrin Landrem
Examiner
AU 3738

KRL
April 3, 2003



David J. Isabella
Primary Examiner